

1 *enue Code of 1986 shall have the meaning given such*  
 2 *term by such section.*

3 (2) *LIMITATIONS ON REDUCTION.*—No cost-shar-  
 4 *ing reduction shall be allowed under this section with*  
 5 *respect to coverage for any month unless the month is*  
 6 *a coverage month with respect to which a credit is al-*  
 7 *lowed to the insured (or an applicable taxpayer on*  
 8 *behalf of the insured) under section 36B of such Code.*

9 (3) *DATA USED FOR ELIGIBILITY.*—Any deter-  
 10 *mination under this section shall be made on the*  
 11 *basis of the taxable year for which the advance deter-*  
 12 *mination is made under section 1412 and not the tax-*  
 13 *able year for which the credit under section 36B of*  
 14 *such Code is allowed.*

15 ***Subpart B—Eligibility Determinations***

16 ***SEC. 1411. PROCEDURES FOR DETERMINING ELIGIBILITY***  
 17 ***FOR EXCHANGE PARTICIPATION, PREMIUM***  
 18 ***TAX CREDITS AND REDUCED COST-SHARING,***  
 19 ***AND INDIVIDUAL RESPONSIBILITY EXEMP-***  
 20 ***TIONS.***

21 (a) *ESTABLISHMENT OF PROGRAM.*—The Secretary  
 22 *shall establish a program meeting the requirements of this*  
 23 *section for determining—*

24 (1) *whether an individual who is to be covered*  
 25 *in the individual market by a qualified health plan*

1      *offered through an Exchange, or who is claiming a*  
2      *premium tax credit or reduced cost-sharing, meets the*  
3      *requirements of sections 1312(f)(3), 1402(e), and*  
4      *1412(d) of this title and section 36B(e) of the Internal*  
5      *Revenue Code of 1986 that the individual be a citizen*  
6      *or national of the United States or an alien lawfully*  
7      *present in the United States;*

8            *(2) in the case of an individual claiming a pre-*  
9      *mium tax credit or reduced cost-sharing under section*  
10     *36B of such Code or section 1402—*

11            *(A) whether the individual meets the income*  
12            *and coverage requirements of such sections; and*

13            *(B) the amount of the tax credit or reduced*  
14            *cost-sharing;*

15            *(3) whether an individual's coverage under an*  
16      *employer-sponsored health benefits plan is treated as*  
17      *unaffordable under sections 36B(c)(2)(C) and*  
18      *5000A(e)(2); and*

19            *(4) whether to grant a certification under section*  
20      *1311(d)(4)(II) attesting that, for purposes of the indi-*  
21      *vidual responsibility requirement under section*  
22      *5000A of the Internal Revenue Code of 1986, an indi-*  
23      *vidual is entitled to an exemption from either the in-*  
24      *dividual responsibility requirement or the penalty*  
25      *imposed by such section.*

1       **(b) INFORMATION REQUIRED TO BE PROVIDED BY AP-**  
2 **PLICANTS.—**

3           **(1) IN GENERAL.—***An applicant for enrollment*  
4 *in a qualified health plan offered through an Ex-*  
5 *change in the individual market shall provide—*

6                   **(A)** *the name, address, and date of birth of*  
7 *each individual who is to be covered by the plan*  
8 *(in this subsection referred to as an “enrollee”);*  
9 *and*

10                   **(B)** *the information required by any of the*  
11 *following paragraphs that is applicable to an en-*  
12 *rollee.*

13           **(2) CITIZENSHIP OR IMMIGRATION STATUS.—***The*  
14 *following information shall be provided with respect*  
15 *to every enrollee:*

16                   **(A)** *In the case of an enrollee whose eligi-*  
17 *bility is based on an attestation of citizenship of*  
18 *the enrollee, the enrollee’s social security number.*

19                   **(B)** *In the case of an individual whose eligi-*  
20 *bility is based on an attestation of the enrollee’s*  
21 *immigration status, the enrollee’s social security*  
22 *number (if applicable) and such identifying in-*  
23 *formation with respect to the enrollee’s immigra-*  
24 *tion status as the Secretary, after consultation*

1           with the Secretary of Homeland Security, deter-  
2           mines appropriate.

3           (3) *ELIGIBILITY AND AMOUNT OF TAX CREDIT OR*  
4           *REDUCED COST-SHARING.*—*In the case of an enrollee*  
5           *with respect to whom a premium tax credit or re-*  
6           *duced cost-sharing under section 36B of such Code or*  
7           *section 1402 is being claimed, the following informa-*  
8           *tion:*

9                   (A) *INFORMATION REGARDING INCOME AND*  
10            *FAMILY SIZE.*—*The information described in sec-*  
11            *tion 6103(l)(21) for the taxable year ending with*  
12            *or within the second calendar year preceding the*  
13            *calendar year in which the plan year begins.*

14            (B) *CHANGES IN CIRCUMSTANCES.*—*The in-*  
15            *formation described in section 1412(b)(2), in-*  
16            *cluding information with respect to individuals*  
17            *who were not required to file an income tax re-*  
18            *turn for the taxable year described in subpara-*  
19            *graph (A) or individuals who experienced*  
20            *changes in marital status or family size or sig-*  
21            *nificant reductions in income.*

22            (4) *EMPLOYER-SPONSORED COVERAGE.*—*In the*  
23            *case of an enrollee with respect to whom eligibility for*  
24            *a premium tax credit under section 36B of such Code*  
25            *or cost-sharing reduction under section 1402 is being*

1 *established on the basis that the enrollee's (or related*  
2 *individual's) employer is not treated under section*  
3 *36B(c)(2)(C) of such Code as providing minimum es-*  
4 *sential coverage or affordable minimum essential cov-*  
5 *erage, the following information:*

6 *(A) The name, address, and employer iden-*  
7 *tification number (if available) of the employer.*

8 *(B) Whether the enrollee or individual is a*  
9 *full-time employee and whether the employer*  
10 *provides such minimum essential coverage.*

11 *(C) If the employer provides such minimum*  
12 *essential coverage, the lowest cost option for the*  
13 *enrollee's or individual's enrollment status and*  
14 *the enrollee's or individual's required contribu-*  
15 *tion (within the meaning of section*  
16 *5000A(e)(1)(B) of such Code) under the em-*  
17 *ployer-sponsored plan.*

18 *(D) If an enrollee claims an employer's*  
19 *minimum essential coverage is unaffordable, the*  
20 *information described in paragraph (3).*

21 *If an enrollee changes employment or obtains addi-*  
22 *tional employment while enrolled in a qualified*  
23 *health plan for which such credit or reduction is al-*  
24 *lowed, the enrollee shall notify the Exchange of such*  
25 *change or additional employment and provide the in-*

1       formation described in this paragraph with respect to  
2       the new employer.

3               (5) *EXEMPTIONS FROM INDIVIDUAL RESPONSIB-*  
4       *BILITY REQUIREMENTS.—In the case of an individual*  
5       *who is seeking an exemption certificate under section*  
6       *1311(d)(4)(II) from any requirement or penalty im-*  
7       *posed by section 5000A, the following information:*

8               (A) *In the case of an individual seeking ex-*  
9       *emption based on the individual's status as a*  
10       *member of an exempt religious sect or division,*  
11       *as a member of a health care sharing ministry,*  
12       *as an Indian, or as an individual eligible for a*  
13       *hardship exemption, such information as the*  
14       *Secretary shall prescribe.*

15              (B) *In the case of an individual seeking ex-*  
16       *emption based on the lack of affordable coverage*  
17       *or the individual's status as a taxpayer with*  
18       *household income less than 100 percent of the*  
19       *poverty line, the information described in para-*  
20       *graphs (3) and (4), as applicable.*

21       (c) *VERIFICATION OF INFORMATION CONTAINED IN*  
22       *RECORDS OF SPECIFIC FEDERAL OFFICIALS.—*

23              (1) *INFORMATION TRANSFERRED TO SEC-*  
24       *RETARY.—An Exchange shall submit the information*  
25       *provided by an applicant under subsection (b) to the*

1        *Secretary for verification in accordance with the re-*  
2        *quirements of this subsection and subsection (d).*

3                (2) *CITIZENSHIP OR IMMIGRATION STATUS.—*

4                    (A) *COMMISSIONER OF SOCIAL SECURITY.—*

5        *The Secretary shall submit to the Commissioner*  
6        *of Social Security the following information for*  
7        *a determination as to whether the information*  
8        *provided is consistent with the information in*  
9        *the records of the Commissioner:*

10                    (i) *The name, date of birth, and social*  
11                    *security number of each individual for*  
12                    *whom such information was provided under*  
13                    *subsection (b)(2).*

14                    (ii) *The attestation of an individual*  
15                    *that the individual is a citizen.*

16                    (B) *SECRETARY OF HOMELAND SECU-*  
17                    *RITY.—*

18                    (i) *IN GENERAL.—In the case of an in-*  
19                    *dividual—*

20                                (I) *who attests that the individual*  
21                                *is an alien lawfully present in the*  
22                                *United States; or*

23                                (II) *who attests that the indi-*  
24                                *vidual is a citizen but with respect to*  
25                                *whom the Commissioner of Social Se-*

1           curity has notified the Secretary under  
2           subsection (e)(3) that the attestation is  
3           inconsistent with information in the  
4           records maintained by the Commis-  
5           sioner;

6           the Secretary shall submit to the Secretary  
7           of Homeland Security the information de-  
8           scribed in clause (ii) for a determination as  
9           to whether the information provided is con-  
10          sistent with the information in the records  
11          of the Secretary of Homeland Security.

12          (ii) *INFORMATION.*—The information  
13          described in clause (ii) is the following:

14               (I) The name, date of birth, and  
15               any identifying information with re-  
16               spect to the individual's immigration  
17               status provided under subsection  
18               (b)(2).

19               (II) The attestation that the indi-  
20               vidual is an alien lawfully present in  
21               the United States or in the case of an  
22               individual described in clause (i)(II),  
23               the attestation that the individual is a  
24               citizen.

1           (3) *ELIGIBILITY FOR TAX CREDIT AND COST-*  
2           *SHARING REDUCTION.*—*The Secretary shall submit*  
3           *the information described in subsection (b)(3)(A) pro-*  
4           *vided under paragraph (3), (4), or (5) of subsection*  
5           *(b) to the Secretary of the Treasury for verification*  
6           *of household income and family size for purposes of*  
7           *eligibility.*

8           (4) *METHODS.*—

9           (A) *IN GENERAL.*—*The Secretary, in con-*  
10          *sultation with the Secretary of the Treasury, the*  
11          *Secretary of Homeland Security, and the Com-*  
12          *missioner of Social Security, shall provide that*  
13          *verifications and determinations under this sub-*  
14          *section shall be done—*

15               (i) *through use of an on-line system or*  
16               *otherwise for the electronic submission of,*  
17               *and response to, the information submitted*  
18               *under this subsection with respect to an ap-*  
19               *plicant; or*

20               (ii) *by determining the consistency of*  
21               *the information submitted with the infor-*  
22               *mation maintained in the records of the*  
23               *Secretary of the Treasury, the Secretary of*  
24               *Homeland Security, or the Commissioner of*

1           *Social Security through such other method*  
2           *as is approved by the Secretary.*

3           (B) *FLEXIBILITY.*—*The Secretary may*  
4           *modify the methods used under the program es-*  
5           *tablished by this section for the Exchange and*  
6           *verification of information if the Secretary deter-*  
7           *mines such modifications would reduce the ad-*  
8           *ministrative costs and burdens on the applicant,*  
9           *including allowing an applicant to request the*  
10          *Secretary of the Treasury to provide the infor-*  
11          *mation described in paragraph (3) directly to*  
12          *the Exchange or to the Secretary. The Secretary*  
13          *shall not make any such modification unless the*  
14          *Secretary determines that any applicable re-*  
15          *quirements under this section and section 6103*  
16          *of the Internal Revenue Code of 1986 with re-*  
17          *spect to the confidentiality, disclosure, mainte-*  
18          *nance, or use of information will be met.*

19          (d) *VERIFICATION BY SECRETARY.*—*In the case of in-*  
20          *formation provided under subsection (b) that is not required*  
21          *under subsection (c) to be submitted to another person for*  
22          *verification, the Secretary shall verify the accuracy of such*  
23          *information in such manner as the Secretary determines*  
24          *appropriate, including delegating responsibility for*  
25          *verification to the Exchange.*

1       (e) *ACTIONS RELATING TO VERIFICATION.*—

2           (1) *IN GENERAL.*—Each person to whom the Sec-  
3       retary provided information under subsection (c)  
4       shall report to the Secretary under the method estab-  
5       lished under subsection (c)(4) the results of its  
6       verification and the Secretary shall notify the Ex-  
7       change of such results. Each person to whom the Sec-  
8       retary provided information under subsection (d)  
9       shall report to the Secretary in such manner as the  
10      Secretary determines appropriate.

11          (2) *VERIFICATION.*—

12           (A) *ELIGIBILITY FOR ENROLLMENT AND*  
13       *PREMIUM TAX CREDITS AND COST-SHARING RE-*  
14       *DUCTIONS.*—If information provided by an ap-  
15       plicant under paragraphs (1), (2), (3), and (4)  
16       of subsection (b) is verified under subsections (c)  
17       and (d)—

18           (i) the individual's eligibility to enroll  
19       through the Exchange and to apply for pre-  
20       mium tax credits and cost-sharing reduc-  
21       tions shall be satisfied; and

22           (ii) the Secretary shall, if applicable,  
23       notify the Secretary of the Treasury under  
24       section 1412(c) of the amount of any ad-  
25       vance payment to be made.

1           (B) *EXEMPTION FROM INDIVIDUAL RESPON-*  
2           *SIBILITY.—If information provided by an appli-*  
3           *cant under subsection (b)(5) is verified under*  
4           *subsections (c) and (d), the Secretary shall issue*  
5           *the certification of exemption described in section*  
6           *1311(d)(4)(II).*

7           (3) *INCONSISTENCIES INVOLVING ATTESTATION*  
8           *OF CITIZENSHIP OR LAWFUL PRESENCE.—If the infor-*  
9           *mation provided by any applicant under subsection*  
10          *(b)(2) is inconsistent with information in the records*  
11          *maintained by the Commissioner of Social Security*  
12          *or Secretary of Homeland Security, whichever is ap-*  
13          *plicable, the applicant's eligibility will be determined*  
14          *in the same manner as an individual's eligibility*  
15          *under the medicaid program is determined under sec-*  
16          *tion 1902(ee) of the Social Security Act (as in effect*  
17          *on January 1, 2010).*

18          (4) *INCONSISTENCIES INVOLVING OTHER INFOR-*  
19          *MATION.—*

20               (A) *IN GENERAL.—If the information pro-*  
21               *vided by an applicant under subsection (b)*  
22               *(other than subsection (b)(2)) is inconsistent*  
23               *with information in the records maintained by*  
24               *persons under subsection (c) or is not verified*  
25               *under subsection (d), the Secretary shall notify*

1        *the Exchange and the Exchange shall take the*  
2        *following actions:*

3                (i) *REASONABLE EFFORT.—The Ex-*  
4                *change shall make a reasonable effort to*  
5                *identify and address the causes of such in-*  
6                *consistency, including through typo-*  
7                *graphical or other clerical errors, by con-*  
8                *tacting the applicant to confirm the accu-*  
9                *racy of the information, and by taking such*  
10               *additional actions as the Secretary, through*  
11               *regulation or other guidance, may identify.*

12               (ii) *NOTICE AND OPPORTUNITY TO*  
13               *CORRECT.—In the case the inconsistency or*  
14               *inability to verify is not resolved under sub-*  
15               *paragraph (A), the Exchange shall—*

16                        (I) *notify the applicant of such*  
17                        *fact;*

18                        (II) *provide the applicant an op-*  
19                        *portunity to either present satisfactory*  
20                        *documentary evidence or resolve the in-*  
21                        *consistency with the person verifying*  
22                        *the information under subsection (c) or*  
23                        *(d) during the 90-day period beginning*  
24                        *the date on which the notice required*

1           under subclause (I) is sent to the ap-  
2           plicant.

3           *The Secretary may extend the 90-day pe-*  
4           *riod under subclause (II) for enrollments oc-*  
5           *curring during 2014.*

6           *(B) SPECIFIC ACTIONS NOT INVOLVING CITI-*  
7           *ZENSHIP OR LAWFUL PRESENCE.—*

8           *(i) IN GENERAL.—Except as provided*  
9           *in paragraph (3), the Exchange shall, dur-*  
10          *ing any period before the close of the period*  
11          *under subparagraph (A)(ii)(II), make any*  
12          *determination under paragraphs (2), (3),*  
13          *and (4) of subsection (a) on the basis of the*  
14          *information contained on the application.*

15          *(ii) ELIGIBILITY OR AMOUNT OF CRED-*  
16          *IT OR REDUCTION.—If an inconsistency in-*  
17          *volving the eligibility for, or amount of, any*  
18          *premium tax credit or cost-sharing reduc-*  
19          *tion is unresolved under this subsection as*  
20          *of the close of the period under subpara-*  
21          *graph (A)(ii)(II), the Exchange shall notify*  
22          *the applicant of the amount (if any) of the*  
23          *credit or reduction that is determined on*  
24          *the basis of the records maintained by per-*  
25          *sons under subsection (c).*

1           (iii) *EMPLOYER AFFORDABILITY.*—If  
2           the Secretary notifies an Exchange that an  
3           enrollee is eligible for a premium tax credit  
4           under section 36B of such Code or cost-shar-  
5           ing reduction under section 1402 because  
6           the enrollee's (or related individual's) em-  
7           ployer does not provide minimum essential  
8           coverage through an employer-sponsored  
9           plan or that the employer does provide that  
10          coverage but it is not affordable coverage,  
11          the Exchange shall notify the employer of  
12          such fact and that the employer may be lia-  
13          ble for the payment assessed under section  
14          4980II of such Code.

15          (iv) *EXEMPTION.*—In any case where  
16          the inconsistency involving, or inability to  
17          verify, information provided under sub-  
18          section (b)(5) is not resolved as of the close  
19          of the period under subparagraph  
20          (A)(ii)(II), the Exchange shall notify an ap-  
21          plicant that no certification of exemption  
22          from any requirement or payment under  
23          section 5000A of such Code will be issued.

24          (C) *APPEALS PROCESS.*—The Exchange  
25          shall also notify each person receiving notice

1           under this paragraph of the appeals processes es-  
2           tablished under subsection (f).

3       (f) *APPEALS AND REDETERMINATIONS.*—

4           (1) *IN GENERAL.*—The Secretary, in consultation  
5       with the Secretary of the Treasury, the Secretary of  
6       Homeland Security, and the Commissioner of Social  
7       Security, shall establish procedures by which the Sec-  
8       retary or one of such other Federal officers—

9           (A) hears and makes decisions with respect  
10       to appeals of any determination under subsection  
11       (e); and

12          (B) redetermines eligibility on a periodic  
13       basis in appropriate circumstances.

14       (2) *EMPLOYER LIABILITY.*—

15          (A) *IN GENERAL.*—The Secretary shall es-  
16       tablish a separate appeals process for employers  
17       who are notified under subsection (e)(4)(C) that  
18       the employer may be liable for a tax imposed by  
19       section 4980II of the Internal Revenue Code of  
20       1986 with respect to an employee because of a  
21       determination that the employer does not provide  
22       minimum essential coverage through an em-  
23       ployer-sponsored plan or that the employer does  
24       provide that coverage but it is not affordable cov-

1        *erage with respect to an employee. Such process*  
2        *shall provide an employer the opportunity to—*

3                *(i) present information to the Ex-*  
4                *change for review of the determination ei-*  
5                *ther by the Exchange or the person making*  
6                *the determination, including evidence of the*  
7                *employer-sponsored plan and employer con-*  
8                *tributions to the plan; and*

9                *(ii) have access to the data used to*  
10               *make the determination to the extent allow-*  
11               *able by law.*

12        *Such process shall be in addition to any rights*  
13        *of appeal the employer may have under subtitle*  
14        *F of such Code.*

15               *(B) CONFIDENTIALITY.—Notwithstanding*  
16               *any provision of this title (or the amendments*  
17               *made by this title) or section 6103 of the Inter-*  
18               *nal Revenue Code of 1986, an employer shall not*  
19               *be entitled to any taxpayer return information*  
20               *with respect to an employee for purposes of de-*  
21               *termining whether the employer is subject to the*  
22               *penalty under section 4980I of such Code with*  
23               *respect to the employee, except that—*

24               *(i) the employer may be notified as to*  
25               *the name of an employee and whether or*

1           not the employee's income is above or below  
2           the threshold by which the affordability of  
3           an employer's health insurance coverage is  
4           measured; and

5           (ii) this subparagraph shall not apply  
6           to an employee who provides a waiver (at  
7           such time and in such manner as the Sec-  
8           retary may prescribe) authorizing an em-  
9           ployer to have access to the employee's tax-  
10          payer return information.

11       (g) *CONFIDENTIALITY OF APPLICANT INFORMATION.*—

12           (1) *IN GENERAL.*—An applicant for insurance  
13          coverage or for a premium tax credit or cost-sharing  
14          reduction shall be required to provide only the infor-  
15          mation strictly necessary to authenticate identity, de-  
16          termine eligibility, and determine the amount of the  
17          credit or reduction.

18           (2) *RECEIPT OF INFORMATION.*—Any person who  
19          receives information provided by an applicant under  
20          subsection (b) (whether directly or by another person  
21          at the request of the applicant), or receives informa-  
22          tion from a Federal agency under subsection (c), (d),  
23          or (e), shall—

24           (A) use the information only for the pur-  
25          poses of, and to the extent necessary in, ensuring

1        *the efficient operation of the Exchange, including*  
2        *verifying the eligibility of an individual to enroll*  
3        *through an Exchange or to claim a premium tax*  
4        *credit or cost-sharing reduction or the amount of*  
5        *the credit or reduction; and*

6                *(B) not disclose the information to any*  
7        *other person except as provided in this section.*

8        *(h) PENALTIES.—*

9                *(1) FALSE OR FRAUDULENT INFORMATION.—*

10               *(A) CIVIL PENALTY.—*

11               *(i) IN GENERAL.—If—*

12               *(I) any person fails to provides*  
13        *correct information under subsection*  
14        *(b); and*

15               *(II) such failure is attributable to*  
16        *negligence or disregard of any rules or*  
17        *regulations of the Secretary,*

18        *such person shall be subject, in addition to*  
19        *any other penalties that may be prescribed*  
20        *by law, to a civil penalty of not more than*  
21        *\$25,000 with respect to any failures involv-*  
22        *ing an application for a plan year. For*  
23        *purposes of this subparagraph, the terms*  
24        *“negligence” and “disregard” shall have the*

1 same meanings as when used in section  
2 6662 of the Internal Revenue Code of 1986.

3 (ii) *REASONABLE CAUSE EXCEPTION.*—

4 No penalty shall be imposed under clause  
5 (i) if the Secretary determines that there  
6 was a reasonable cause for the failure and  
7 that the person acted in good faith.

8 (B) *KNOWING AND WILLFUL VIOLATIONS.*—

9 Any person who knowingly and willfully pro-  
10 vides false or fraudulent information under sub-  
11 section (b) shall be subject, in addition to any  
12 other penalties that may be prescribed by law, to  
13 a civil penalty of not more than \$250,000.

14 (2) *IMPROPER USE OR DISCLOSURE OF INFORMA-*  
15 *TION.*—Any person who knowingly and willfully uses  
16 or discloses information in violation of subsection (g)  
17 shall be subject, in addition to any other penalties  
18 that may be prescribed by law, to a civil penalty of  
19 not more than \$25,000.

20 (3) *LIMITATIONS ON LIENS AND LEVIES.*—The  
21 Secretary (or, if applicable, the Attorney General of  
22 the United States) shall not—

23 (A) file notice of lien with respect to any  
24 property of a person by reason of any failure to  
25 pay the penalty imposed by this subsection; or

1                   (B) *levy on any such property with respect*  
 2                   *to such failure.*

3           (i) *STUDY OF ADMINISTRATION OF EMPLOYER RE-*  
 4 *SPONSIBILITY.—*

5           (1) *IN GENERAL.—The Secretary of Health and*  
 6 *Human Services shall, in consultation with the Sec-*  
 7 *retary of the Treasury, conduct a study of the proce-*  
 8 *dures that are necessary to ensure that in the admin-*  
 9 *istration of this title and section 4980II of the Inter-*  
 10 *nal Revenue Code of 1986 (as added by section 1513)*  
 11 *that the following rights are protected:*

12                   (A) *The rights of employees to preserve their*  
 13 *right to confidentiality of their taxpayer return*  
 14 *information and their right to enroll in a quali-*  
 15 *fied health plan through an Exchange if an em-*  
 16 *ployer does not provide affordable coverage.*

17                   (B) *The rights of employers to adequate due*  
 18 *process and access to information necessary to*  
 19 *accurately determine any payment assessed on*  
 20 *employers.*

21           (2) *REPORT.—Not later than January 1, 2013,*  
 22 *the Secretary of Health and Human Services shall re-*  
 23 *port the results of the study conducted under para-*  
 24 *graph (1), including any recommendations for legisla-*  
 25 *tive changes, to the Committees on Finance and*

1       *Health, Education, Labor and Pensions of the Senate*  
2       *and the Committees of Education and Labor and*  
3       *Ways and Means of the House of Representatives.*

4   **SEC. 1412. ADVANCE DETERMINATION AND PAYMENT OF**  
5               **PREMIUM TAX CREDITS AND COST-SHARING**  
6               **REDUCTIONS.**

7       *(a) IN GENERAL.—The Secretary, in consultation with*  
8       *the Secretary of the Treasury, shall establish a program*  
9       *under which—*

10           *(1) upon request of an Exchange, advance deter-*  
11           *minations are made under section 1411 with respect*  
12           *to the income eligibility of individuals enrolling in a*  
13           *qualified health plan in the individual market*  
14           *through the Exchange for the premium tax credit al-*  
15           *lowable under section 36B of the Internal Revenue*  
16           *Code of 1986 and the cost-sharing reductions under*  
17           *section 1402;*

18           *(2) the Secretary notifies—*

19               *(A) the Exchange and the Secretary of the*  
20               *Treasury of the advance determinations; and*

21               *(B) the Secretary of the Treasury of the*  
22               *name and employer identification number of*  
23               *each employer with respect to whom 1 or more*  
24               *employee of the employer were determined to be*  
25               *eligible for the premium tax credit under section*